

ARTICLE XII - B-3 CENTRAL BUSINESS DISTRICT

PREAMBLE

The City of Muskegon B-3 Central Business District is designed and intended to provide for and regulate land and building uses so as to continue to create a shopping, living, cultural, governmental, office, heritage, and institutional focal point for the City of Muskegon and the Muskegon Area. The District is designed to provide flexibility to encourage a diversity of uses, yet provide regulatory standards to create and maintain a safe and aesthetic environment.

SECTION 1200: PRINCIPAL USES PERMITTED [amended 6/07]

In the B-3 Central Business District, no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance.

1. Retail sales of new merchandise and commodities provided that all sales are made from a completely enclosed building except that this section shall not prohibit the sales of antique collector items, this section shall prohibit the operation of a store whose primary sales are previously used products, except as further regulated.
2. Professional and personal services of any type where any repair work done on the premises is incidental to the service rendered.
3. Banks, including those with drive-in windows, and other financial institutions.
4. Restaurants, cocktail lounges and brewpubs. [amended 3/12]
5. Business schools, or private schools operated for profit. Examples of private schools permitted herein include, but are not limited to, the following: dance schools, music and voice schools, and art studios.
6. Offices of business, government, and the professions.
7. Hotels and motels.
8. Indoor theaters.
9. Micro breweries, small wineries and small distilleries, as long as the brewing area is less than 2,500 square feet. [amended 3/12]
10. Residential uses as part of a building in this business zone shall be allowed upon issuance of Certificate of Occupancy from the Department of Inspections. [amended 12/06]
11. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.

12. Uses similar to the above Uses Permitted.

SECTION 1201: SPECIAL LAND USES PERMITTED [amended 6/07]

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions and any other reasonable conditions imposed by the Planning Commission.

1. Automobile service stations for the sale of gasoline, oil, and minor repair, not including major repair such as engine rebuilding, undercoating, and similar industrially oriented activities and subject further to the following:
 - a. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the roadway) or from adjacent residential property, and subject to other Ordinances of the City.
 - b. The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.
 - c. There shall be provided, on those sides abutting or adjacent to a residential district or residential uses a four foot (4') completely obscuring wall or fence. The height of the wall or fence shall be measured from the surface of the ground.
 - d. All lighting shall be shielded from adjacent residential districts and from abutting streets.
2. Amusements and recreational facilities, including bowling alleys and skating rinks.
3. Commercial parking lots and parking structures.
4. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.
 - b. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet.
 - c. Buildings of greater than the maximum height allowed in Section 2100 may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot of building that exceeds the maximum height allowed.

5. Specialized adult educational programs, under the following conditions: [amended 1/02]
 - a. The program must be associated with a school district.
 - b. No residency will be permitted in the facility.
 - c. The hours of operation will be limited to the regular school hours of the associated school district.
 - d. The facility must be located either on a major street or within two (2) blocks of regular bus service.
 - e. No more than 75 students can be associated with the program.
6. Live music concert halls, under the following conditions: [amended 8/02]
 - a. The business will operate in such a manner as to comply with the Noise Ordinance enacted by the City of Muskegon. No music (either live or piped) will be permitted outside the building.
 - b. The business will maintain security staff, both inside and outside the building, at all times when open to customers. Loitering will not be permitted on or around the site.
 - c. The business will not operate between the hours of 3:00 a.m. and 8:00 a.m. No person of 16 years of age or younger will be permitted within the business after midnight and must directly exit the premises after that time.
 - d. The site and general vicinity will be maintained and litter-free, and will be checked for litter every day before opening.
 - e. Security lighting will be provided for the site.
7. Multiple family residential uses of various types and densities. Any new multiple family construction shall be compatible and/or complementary to the character of the surrounding area as determined by the Planning Commission. [amended 12/06]
8. Private clubs, lodge halls, social and similar organizations, including assembly or rental halls.
9. Galleries and museums.
10. Antique shops.
11. Wind Turbine Facilities [amended 10/09].

12. Micro breweries, small wineries and small distilleries with brewing areas larger than 2,500 square feet [amended 3/12]
13. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.
14. Uses similar to the above Special Land Uses Permitted.

SECTION 1202: PLANNED UNIT DEVELOPMENTS [amended 10/98]

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the B-3 Central Business District is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings or other commercial uses. [revised 4/04 to reflect 10/98 changes]

SECTION 1203: AREA AND BULK REQUIREMENTS [amended 4/00]

1. Minimum lot size: 4,000 sq. feet.
2. Maximum lot coverage:
Buildings: 100 %
Pavement: 25%
3. Lot width: 30 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
4. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
5. Height Limit:
Maximum height: 6 stories or 90 feet
Minimum height: 2 stories or 35 feet.

Minimum heights are in the form of an "overlay district" on the following street corridors:

Western Avenue from Ninth Street to Pine Street.
Clay Avenue from Seventh Street to Fourth Street.
Pine Street; from Western Ave. to Apple Avenue.

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).

6. Front Setbacks: [amended 1/05]

Minimum:

Expressway or Arterial Street: 30 feet

Collector or Street: 20 feet

Minor Street: 10 feet

Maximum:

Expressway, Arterial Street or Major Street: 50 feet

Collector Street: 40 feet

Minor Street: 30 feet

Note: For minimum front setbacks new principal structures on minor streets may align with existing principal structures in the immediate area even if the setback is below the minimum required.

7. Rear setback: 10 feet

8. Setback from the ordinary high water mark or wetland: 75 feet (principal structures only).

9. Side setbacks: no requirement

Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings. [amended 10/02]

10. Zero lot line option: New principal buildings may be erected on the rear lot line provided: [amended 10/02]

a. The building has an approved fire rating for zero-lot line development under the building code.

b. The building has adequate fire access preserved pursuant to fire code requirements.

c. The zero lot line side is not adjacent to a street.

d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.

e. It is not adjacent to wetlands, or waterfront.

11. All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained along each street frontage. [amended 12/01, amended 10/02]